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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 DONALD LUMB,

12 Plaintiff,

13 vs.

14 BORDER PATROL SUPERVISOR PETE  
BURGOS, et al.,

15 Defendants.  
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CASE NO. 15cv2623-LAB (MDD)

**ORDER GRANTING LEAVE TO FILE  
BRIEFING ON ISSUE OF JUDICIAL  
NOTICE**

18 On November 30, the Court ordered counsel for Plaintiff Donald Lumb, Mary Prevost,  
19 to lodge a motion she had filed with the state bar. (Docket no. 16 at 2:8–12.) She was  
20 ordered to do so by attaching it to a notice and filing it in the docket. In the same order, the  
21 Court proposed to take judicial notice of certain records and facts. The order permitted any  
22 party who wished to be heard on the subject to file a notice that the party wished to be  
23 heard.

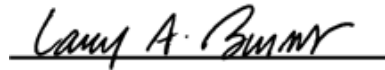
24 Instead of obeying the Court's order, Prevost gave excuses for not lodging the motion  
25 as ordered. In the same filing, she purported to continue to represent Lumb by making a  
26 request to be heard regarding judicial notice. The Court's order did not require or permit  
27 Prevost to make such requests on behalf of Lumb. As long as she is ineligible to practice  
28 law in California, she must not file anything in the docket or make arguments to the Court,

1 unless ordered or specifically permitted to do so by the Court. Lumb can of course substitute  
2 in other counsel, or may substitute in *pro se*. But a person ineligible to practice law may not  
3 file pleadings or file documents on behalf of a client.

4 In the interests of expediting the case, which at this point is rather old, the Court will  
5 grant Lumb leave to brief the issue. No later than **December 16, 2016**, Lumb may file a  
6 memorandum of points and authorities, not longer than five pages, giving his position on the  
7 issue.

8 **IT IS SO ORDERED.**

9 DATED: December 2, 2016

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11 **HONORABLE LARRY ALAN BURNS**  
12 United States District Judge  
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